

STATE OF UTAH

DEPT. OF ENVIRONMENTAL QUALITY - DIV. OF SOLID AND HAZARDOUS WASTE

RCRA COMPLIANCE HISTORY

Clean Harbors Grassy Mountain, LLC

GRASSY MOUNTAIN FACILITY

TOOELE COUNTY, UTAH

ACTION: Close out letter dated January 2018

ISSUES: Emergency response equipment drawings could be improved to provide greater clarity.
Two inspection forms could be updated to provide more specificity.
A repair to a berm of Cell 3 did not appear to be able to be able to adequately direct precipitation during a significant rain event.

RESOLUTION: No further action

ACTION: Close out letter dated January 2017

ISSUES: Burrowing animals documented on closed landfill cell covers
A small cell fire was reported in September 2016
Inconsistencies documented in waste profiles (total metals and TCLP metals)

RESOLUTION: No further action

ACTION: Close out letter dated March 6, 2015

ISSUES: None

RESOLUTION: Not Applicable

ACTION: **Notice of Violation** issued March 6, 2014

ISSUES: Disposal of waste that did not meet the land disposal restrictions

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Storing waste in an unpermitted area
Failure to submit a manifest discrepancy report within 15 days

RESOLUTION: Stipulation and Consent Order No. 1405007 issued October 31, 2014. The Stipulation and Consent Order included a penalty of \$1,993.

ACTION: **Warning Letter** issued December 12, 2012

ISSUES: Three alarms on tanks not working
Small Heat Tent and Wheel Wash in need of repair
Two combustion events occurred in landfill
Combustion reaction in stabilization tank

RESOLUTION: No further action.

ACTION: None, Letter, December 6, 2011

ISSUES: None

RESOLUTION: No action

ACTION: None, Letter, November 22, 2010

ISSUES: None

RESOLUTION: No action

ACTION: None, Letter, November 19, 2009

ISSUES: None

RESOLUTION: No action

ACTION: **Warning Letter** issued January 8, 2009

ISSUES: Lack of Personnel Training Plan instructor qualifications
Lack of maps or diagrams indicating the disposal location of waste
Manifest discrepancy
Open containers of hazardous waste

RESOLUTION: No further action.

ACTION: **Notice of Violation** issued December 31, 2007.

ISSUES: Lack of Sampling and Analysis of Wheel Wash Water
Lack of or Incorrect Certification Statement
Late Tank Inspections

RESOLUTION: Stipulation and Consent Order #0803007, approved by the Utah Solid and Hazardous Waste Control Board on September 11, 2008. The Stipulation and Consent Order included a penalty of \$16,174.

ACTION: **Notice of Violation** issued January 9, 2007.

ISSUES: Manifest Discrepancies
Late Submittal of Biennial Report
Disposing of Reactive Waste in a Landfill Cell
Failure to report with the required time frames
Insufficient Personnel Training Documentation
Container Inventory Inaccuracy
Inadequate Inspection Records
Late Submittal of Tank Certification Reports

RESOLUTION: Stipulation and Consent Order #0701005, approved by the Utah Solid and Hazardous Waste Control Board on June 14, 2007. The Stipulation and Consent Order included a penalty of \$10,708.

ACTION: **Notice of Violation** issued February 9, 2006.

ISSUES: Storage of three containers longer than one year.
Failure to notify the Executive Secretary of non-compliance within seven days.

RESOLUTION: Stipulation and Consent Order **#0603013**, approved by the Utah Solid and Hazardous Waste Control Board on July 13, 2006. The Stipulation and Consent Order included a penalty of \$4,035.

ACTION: **Warning Letter** issued January 24, 2005.

ISSUES: Failure to correct deficiencies within the required timeframe.
Failure to notify the Executive Secretary of delayed repair of a tank.

RESOLUTION: No further action.

ACTION: **Notice of Violation** issued April 1, 2004.

ISSUES: Failure to operate the facility to minimize the possibility of a fire, which could threaten human health or the environment.
Failure to meet the LDR standards for waste disposed of in Hazardous Waste Cell 5.
Failure to analyze treated waste for all LDR constituents with numeric standards and underlying hazardous constituents as appropriate for the waste codes in the waste that did not meet treatment standards prior to treatment.
Failure to obtain certification from an independent Utah certified, professional engineer, at least once every twelve months, that all active tank systems identified in Condition IV.B. of the Permit, are capable of handling hazardous waste without release for the intended life of the system.
Failure to submit to the Executive Secretary on a quarterly basis daily leachate collection/removal volume reports for each applicable collection and detection sump.
Failure to obtain Executive Secretary authorization prior to replacing the liner system of the surface impoundment.

RESOLUTION: A Stipulated Consent Order **#0408023** was issued on February 28, 2000, by the Utah Solid and Hazardous Waste Control Board concerning resolution of Notice of Violation **#0401003**. The agreement outlined payment of a penalty of \$10,140. All violations were corrected prior to the SCO being issued.

ACTION: **Notice of Violation** issued January 17, 2003.

ISSUES: Failure to operate the facility to minimize the possibility of a fire, which could threaten human health or the environment.
Failure to have hazardous waste generators certify that the samples of waste provided to the Grassy Mountain Facility were representative of the waste stream.

RESOLUTION: Stipulation and Consent Order (SCO) No. 0303008, which was approved by the Utah Solid and Hazardous Waste Control Board (the Board) on June 12, 2003, a penalty of \$4,108 was assessed. The SCO will be effective when signed by the Executive Secretary of the Board.

NOTE: No actions were issued during inspection years 2000 and 2001. An inspection year begins on October 1st and ends on September 30th of the following year.

ACTION: **Order for Compliance** issued on November 9, 1999.

ISSUE: The reduction in the number of put piles (piles staged in the RCRA cells following stabilization while awaiting LDR analytical verification).

RESOLUTION: Modification of put pile management practices and modification of the RCRA Part B Permit in the Reissued Permit.

ACTION: **Notice of Violation** issued June 7, 1999.

ISSUES: Failure to cover material subject to wind dispersal within 24 hours of placement in the cell, and failure to cease the movement of equipment in the RCRA cells during windy meteorological conditions.
Failure to submit to the Executive Secretary on a quarterly basis the daily leachate collection/removal volumes for applicable collection and detection sumps.

Failure to certify the tanks identified in condition IV.B. by a qualified, independent Utah certified, professional engineer, at least once every twelve months.
Failure to submit a permit modification when the scope of closure of the facility changed.

RESOLUTION: A Stipulated Consent Agreement **#9909029** was issued on February 28, 2000, by the Utah Solid and Hazardous Waste Control Board concerning resolution of Notice of Violation **#9901003**. The agreement outlined payment of a penalty of \$59,862. All violations were corrected prior to the SCO being issued.

ACTION: **Notice of Violation** issued March 30, 1998

ISSUES: Failure to keep all containers of hazardous waste closed except when it is necessary to add or remove waste.
Failure to handle containers properly so as not to allow the container to leak or spill its contents.
Failure to provide justification, in the facility operating record and to the Division, for storage of containers of waste beyond one (1) year.
Failure to issue RWOs when necessary and by failing to maintain proper documentation as to when remedial actions were completed.
Failure to notify the Executive Secretary of problems which cannot be corrected within the required time frame. Also, failure to submit a proposed time schedule for corrective action when the remedy cannot meet the required time frame.
Failure to cease operation of a management unit when a determination has been made that the problem caused unsafe conditions which could endanger human health or the environment.
Failure to minimize a release of hazardous waste which could threaten human

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health or the environment.

Failure to manage containers staged beyond ten days in accordance with 40 CFR Part 264, Subpart I.

Failure to transfer hazardous waste from a leaking container to a non-leaking DOT approved container within 24 hours from the time the problem was discovered, as specified in R315-8-9.2.

RESOLUTION: A Stipulated Consent Agreement **#9801003** was issued on January 22, 1999, by the Utah Solid and Hazardous Waste Control Board concerning resolution of Notice of Violation **#9801003** and other stipulated facts that were determined. The agreement outlined payment of a penalty of \$45,450. All violations were corrected prior to the SCO being issued.

September 30, 1997

A Stipulated Consent Agreement **#9706008** was issued on September 30, 1997 by the Utah Solid and Hazardous Waste Control Board concerning resolution of Notice of Violation **#9702004** and other stipulated facts that were determined. The agreement outlined payment of a penalty of \$44,187.71. All violations were corrected prior to the SCO being issued.

April 29, 1997

A Notice of Violation was issued April 29, 1997 (**#9702004**) as a result of a notification letter, dated September 4, 1996, sent to the Division of Solid and Hazardous Waste. The content of the letter identified three instances of non-compliance with the Grassy Mountain permit. A review of this letter and relevant operating records resulted in the following violations being noted:

1. Grassy Mountain violated rules applicable to its facility and provisions of its permit, specifically Module I.A.2, Effect of Permit, by disposing of hazardous wastes in a hazardous waste landfill cell without prior verification that LDR treatment standards were being met.
2. Grassy Mountain violated rules applicable to its facility and provisions of its permit, specifically Module II (D) General Waste Analysis, II.D.9.i.9.ii, Spike Samples, and II.d.9.i.13.ii, Spike Recoveries, by not calculating and evaluating spike samples for the period of March 8, 1995, through September 27, 1995.

September 12, 1994

A Stipulated Consent Agreement **#9404016** was issued on September 12, 1994 by the Utah Solid and Hazardous Waste Control Board concerning resolution of Notice of Violation **#9309053** and other

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stipulated facts that were determined. The agreement outlined the closure of industrial cell 2 using closure and post-closure requirements for a RCRA hazardous waste cell, performance of an environmental service project for the protection of human health and the environment in Utah, and payment of a penalty of \$60,000.

October 26, 1993

A Notice of Violation and Order for Compliance was issued October 26, 1993 (**#9309053**) as a result of a letter dated August 25, 1993 sent to the Division of Solid and Hazardous Waste. The content of the letter identified by manifest and line item number seventeen loads of waste received at USPCI Grassy Mountain that were not managed according to the requirements of the permit. A review of this letter and relevant operating records resulted in the following violations being noted:

1. Grassy Mountain disposed of twelve different types of untreated, prohibited hazardous wastes in a hazardous waste landfill cell. In addition, Grassy Mountain managed four different types of hazardous waste in a manner not authorized by the State-issued RCRA Part B Permit and Utah Administrative Rules R315-13 by disposing of the hazardous wastes in a landfill cell, Industrial Landfill Cell-2, that does not meet the requirements of R315-8-14.
2. Grassy Mountain incorrectly identified sixteen waste streams and failed to act upon the information provided and associated with the manifests as required by Section 6.2 of the Waste Analysis Plan.

August 25, 1993

A Stipulated Consent Agreement **#9307038** was issued by the Utah Solid and Hazardous Waste Control Board on August 25, 1993 concerning the closure of industrial cell 1. The parties agreed that USPCI will close and provide post-closure monitoring for industrial cell 1 following the closure and post-closure monitoring requirements for RCRA hazardous waste landfill cell. This closure was the result of inaccurate waste determination by Tooele Army Depot that resulted in USPCI's management of a hazardous waste as a non-hazardous waste.

March 31, 1993

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A Stipulation and Consent Order (**#91060047**) was issued by the Utah Solid and Hazardous Waste Control Board and became effective March 31, 1993 in settlement of a Notice of Violation and Order for Compliance (**#92060116**). The following are the orders to be followed:

1. USPCI shall submit within 30 days all laboratory QA/QC data in support of purgeable organic halides analysis data which was submitted January 24, 1992.
2. USPCI shall ensure that all future modifications to wells are executed with the Executive Secretary prior approval of the plans and specifications as outlined in Module X D.2.b. of the Permit.
3. USPCI shall manage all purge water, generated at the time the water is purged from the monitoring well, as a hazardous waste (Module X, Attachment GWB IV.D.4.d. of the Permit).
4. USPCI shall submit plans within 60 days which outline how USPCI will determine that monitoring wells are fully operational, as required by Module X D.2.e. of the Permit.
5. Within 60 days of this Stipulation and CO, USPCI shall submit a permit modification which addresses groundwater sampling and monitoring procedures.
6. USPCI shall submit within 60 days a permit modification to effect changes to the GW monitoring system at the Grassy Mountain Facility.
7. In full settlement of the Board's alleged and potential claims for violations alleged in the May 6, 1992 NOV/CO, USPCI shall pay the sum of \$15,000 to the Utah Solid and Hazardous Waste Control Board. This penalty payment shall be paid within 30 days of entry of this Stipulation and CO.

Public comment period was from February 5, 1993 through March 8, 1993. No comments were received.

[See Notice of Violation #92060116 issued May 6, 1992.]

November 10, 1992

A Warning Letter was sent November 10, 1992 concerning RCRA Cell #3 stating that during the course of an inspection, two separate discoveries, at distinct locations, occurred where relatively large scraps of plastic were found partially embedded in the clay cap. This is unacceptable and care needs to be taken in watching for and removing deleterious materials. Also, CQC/CQA documents need to be more detailed.

July 23, 1992

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A Stipulation and Consent Order (**#92060126**) was issued by the Utah Solid and Hazardous Waste Control Board and became effective July 23, 1992 in settlement of a Notice of Violation and Order for Compliance (**#91060080**) issued on or about November 7, 1991 based on an inspection on September 3, 1991. The NOV was resolved without admission of any violations or liability or without further administrative or judicial proceedings. The following are the orders to be followed:

1. The Division interpreted Module I.10.a. of the permit to require prior notification to the Division whenever activities or actions were performed that changed the nature of the engineering design, or function, or operational characteristics of a waste management unit or (designed) system (including the associated wastes). This interpretation was not meant to be a restriction on hazardous waste management activities that were or are being accomplished normally and routinely on a day-to-day basis. USPCI concurred with this interpretation.
2. USPCI agreed that within sixty (60) days of the Consent Order to provide written acknowledgement that the Division inspectors could inspect construction unit activities for compliance with the CQA Plan after said activities of construction had been approved by USPCI or its agents.
3. USPCI agreed that within sixty (60) days of the Consent Order to provide written acknowledgement that the written design and engineering documents submitted to the Division in support of the Permit should be the basis for determining compliance with construction of hazardous waste management units or systems and waste management activities.
4. USPCI agreed to pay the sum of ten thousand dollars (\$10,000) within thirty (30) days of entry of the Consent Order.

[See Notice of Violation #91060080 issued November 6, 1991.]

May 6, 1992

A Notice of Violation and Order for Compliance was issued May 6, 1992 (**#92060116**) as a result of the Operation and Maintenance Inspection conducted during 1991. The following violations were noted:

1. Module X D.3.C.iii.(3) which incorporates Attachment GWE 4.0 by not maintaining custody of groundwater samples taken the morning of September 18, 1991.
2. Module X D.2.b. by constructing concrete pads for new monitoring wells without approval of plans and specifications by the Executive Secretary.

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3. Module X D.2.c. and Module X D.2.e. by not documenting when a well can no longer properly function due to a change in subsurface conditions and by not documenting a defective well in the inspection log portion of the operating log for wells with broken concrete pads.
4. Module X D.2.f. by not determining on an annual basis the depth to the bottom of all groundwater monitoring wells.
5. Module X E.1.a. by not analyzing for Class 1 and Class 3 parameters semi-annually in monitoring well MW-6 for three years.
6. Module X Attachment GWB IV.B.2. by not taking water level readings by measuring the water depth from a surveyed datum and recording the reading prior to taking the second reading.
7. Module X Attachment GWB IV.D.4.d. by not treating purge water as a hazardous waste (marking the container with an accumulation data and the words "Hazardous Waste", and by not maintaining the container in a closed condition).

[See Stipulation and Consent Order #91060047 issued March 31, 1993.]

April 9, 1992

A Warning Letter (**#WL9204**) was sent April 9, 1992 based on inspections July 9 through December 16, 1991. The letter stated concerns regarding container management, daily inspection logs, materials of construction out of specification with respect to the CQA Plan, monthly electronic submission of operating record, and a concern with the record keeping of the Timpie Springs rail siding transfer facility.

November 29, 1991

A Stipulation and Consent Order (**#91020023**) was issued November 29, 1991 for **NOV #90071507** (issued October 5, 1990) and **NOV #90100001** (issued November 26, 1990). The Consent Order included a penalty of \$90,000.00. One of the major issues to be resolved with this action was closure of the land treatment unit. Hazardous wastes will no longer be applied to the land treatment unit. A revised closure plan will be reviewed by the Division. This Consent Order sets forth the procedures to be followed for monitoring the unit until closure is implemented. It also specifies items to be submitted to resolve outstanding issues with analytical methods and closure cost estimates. It clarifies the applicability of certain personnel training requirements and groundwater monitoring procedures.

A public comment period was held from September 5, 1991 to October 7, 1991. No comments were received.

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[See Notice of Violation #90100001 issued November 26, 1990, and Notice of Violation #90071507 issued October 5, 1990.]

November 6, 1991

A Notice of Violation and Order for Compliance was issued November 6, 1991 (**#91060080**) as a result of an inspection on September 3, 1991. The following violations were noted:

1. Module I 10.a. by failing to provide notice sixty days prior to planned physical alterations to a waste management unit.
2. Clay Liner Placement and Liner Surface Preparation specifications of the Grassy Mountain Facility Construction Quality Assurance Plan for Landfill Construction and Closure by failing to remove all defects in the completed clay liner surface prior to placement of the synthetic liner.
3. Liner Surface Preparation specifications of the Grassy Mountain Facility Construction Quality Assurance Plan for Landfill Construction and Closure by failing to obtain the clay liner surface approval from the liner contractor prior to deployment of the covering synthetic liner.
4. Module VIII F.3, Attachment LFG, Module VIII C.2, and Runoff Conveyance and Runoff Storage Capacity Requirements in the Design Engineering Report Landfill Cell-5 by failing to provide the approved engineered runoff control conveyance and capacity for the waste management facility.

[See Stipulation and Consent Order #92060126 issued July 23, 1992.]

January 22, 1991

A Warning Letter was sent to USPCI stating that our records did not indicate a duly authorized representative had been named by USPCI to sign all applications, reports, or other information requested by or submitted to the Executive Secretary. Several submittals required by the permit had not been signed in accordance with the properly outlined procedures.

December 18, 1990

A Stipulated Consent Agreement **#90120009** was issued by the Utah Solid and Hazardous Waste

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Committee on December 20, 1990 concerning construction documentation for Landfill Cell 4. The parties agreed that USPCI failed to adhere to the approved CQA Plan for the construction of HW landfill cell 4, USPCI constructed HW landfill cell 4 to fulfill the design and performance requirements of a double-lined HW landfill management unit, and USPCI should comply with future approved HW landfill CQA Plans as a part of the GM facility Permit.

November 26, 1990

A Notice of Violation and Order for Compliance was issued November 26, 1990 (**#90100001**) as a result of a review of data from the Fall, 1989 semiannual sampling event and also a semiannual sampling event conducted the week of September 23-28, 1990. Issues in this NOV dealt with groundwater monitoring procedures.

[See Stipulation and Consent Order #91020023 issued November 29, 1991.]

October 5, 1990

A Notice of Violation and Order for Compliance was issued October 5, 1990 (**#90071507**) as a result of a April 16 through 20, 1990 inspection. Issues in this NOV included violations of manifesting requirements, storage requirements, hazardous waste disposal fee, operating record requirements, analytical methods, run-on control devices, personnel training requirements, inspection requirements, preparedness and prevention, closure/post-closure cost estimates, stabilization system requirements, land treatment requirements, land treatment demonstration requirements, and groundwater monitoring procedures.

[See Stipulation and Consent Order #91020023 issued November 29, 1991.]

June 19, 1990

A Stipulation and Consent Order (**#8912949**) became effective on June 19, 1990. It was a settlement of the Notice of Violation and Order for Compliance (**#8907758**) issued August 29, 1989. USPCI agreed to:

1. Pay a \$180,000 penalty, \$140,000 for settlement of NOV No. 8907758 and a forfeiture of \$40,000 as provided in the February 3, 1989 Order.
2. Not accept hydrophobic materials until the Executive Secretary has approved in writing the methods of management of these materials by USPCI.
3. Submit an amended closure plan for the land treatment area within sixty (60) days of entry of the Order.

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4. Submit within one hundred twenty (120) days to the Executive Secretary for approval, revised container storage unit operating procedures. USPCI agreed that an inspection aisle of approximately eighteen inches (18") will be maintained between the storage unit containment dike and all containers, unless that container placement adjacent to the containment dike is one (1) drum in width.

Public comment period was from March 29, 1990 through April 30, 1990.

[See Notice of Violation #8907758 issued August 29, 1989.]

August 29, 1989

A Notice of Violation and Order for Compliance was issued August 29, 1989 (**#8907758**) as a result of a April 17 through 24, 1989 inspection. The following violations were noted:

1. Storage of containers in an area not authorized in the permit (accumulation of containers in an area just north of the laboratory building).
2. Acceptance of water reactive waste prohibited by the permit.
3. Failure to maintain the inspection log checklists, failure to provide documentation that inspectors were properly trained, failure to inspect after storm events, and failure to record remedial actions taken as a result of inspections.
4. Failure to document cracks in the tank secondary containment system and take the necessary remedial action to correct the problem.
5. Failure to follow the personnel training plan and document on-the-job training in employee's personnel training.
6. Failure to maintain adequate aisle space in the container storage area.
7. Failure to properly identify the location of Scott Air Packs and a fire alarm station.
8. Failure to update closure cost estimates and submit financial assurance by the required anniversary dates specified in the permit.
9. Failure to unload transport vehicle within ten (10) days of receipt at the facility.
10. Failure to properly characterize container management area sump waste.
11. Failure to properly mark the level on the outside of the stabilization tanks.

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12. Failure to provide proper secondary containment for the treated liquid storage tank and/or the required contingent closure or post-closure plans.
13. Failure to analyze land treatment designated wastes properly.
14. Failure to maintain loading rate calculations for the land treatment area.
15. Application of wastes to the land treatment area prohibited by the permit (pH wastes being land applied).
16. Failure to establish average concentrations of nutrients to be applied to the land treatment area.
17. Failure to till the land treatment area as specified in the permit.
18. Failure to maintain proper moisture concentration for the land treatment area (indicated by dryness and dispersal of wastes).
19. Failure to inspect and maintain run-on control ditches at the land treatment area.
20. Failure to submit a revegetation study as required for metals exceedance in the land treatment area.
21. Failure to submit soil-core monitoring and statistical analyses within specified time frames.
22. Failure to report metal exceedances in the land treatment area.
23. Failure to control wind dispersal in landfill cell #3.
24. Failure to properly maintain groundwater samples prior to analysis. (temperature range and chain of custody)
25. Failure to visually inspect each container of waste.

[See Stipulation and Consent Order #8912949 issued June 19, 1990.]

February 3, 1989

A Stipulation and Consent Order (**#8812618**) was approved by the Utah Solid and Hazardous Wastes Committee and became effective February 3, 1989. This was in settlement of a Notice of Violation **#8809603** issued September 29, 1988, Notice of Violation **#8807472** issued July 18, 1988, and

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Notice of Violation **#8712452** issued December 7, 1987.

USPCI agreed to pay the sum of one hundred thousand dollars (\$100,000.00) without admitting to any of the allegations. Additionally, USPCI must pay an additional sum of forty thousand dollars (\$40,000) if there is a final determination that USPCI has violated conditions of its permit or applicable rules within one (1) year from entry of the Order (February 3, 1990).

[See Notice of Violation #8809603 issued September 29, 1988; Notice of Violation #8807472 issued July 18, 1988; and Notice of Violation #8712452 issued December 7, 1987.]

May 5, 1993 Stipulation Item #13 was terminated by the Executive Secretary

September 29, 1988

A Notice of Violation and Order for Compliance (**#8809603**) was issued September 29, 1988. This NOV was based upon an inspection on September 16, 1988 by the Utah Bureau of Solid and Hazardous Waste and the U.S. EPA. The following violations were noted:

1. Failure to prohibit placement of free liquids in Landfill Cell #3
2. Failure to open and inspect all incoming containers for free liquids.
3. Failure to inspect all incoming bulk wastes shipped in gondolas for free liquids.
4. Failure to ensure that containers are kept in good condition.
5. Failure to prevent ponding of water when controlling dust in Landfill cell #3.

[See Stipulation and Consent Order #8812618 issued February 3, 1989.]

July 18, 1988

A Notice of Violation and Order for Compliance (**#8807472**) was issued July 18, 1988. This NOV was based upon an inspection on April 4-7, 1988 by the Utah Bureau of Solid and Hazardous Waste. The following violations were noted:

1. Failure to follow written waste analysis plan.
2. Failure to complete the personnel training program (for the compliance officer) prior to allowing him to work unsupervised.

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3. Failure to install downgradient monitoring wells which will immediately detect any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area.
4. Failure to follow the groundwater sampling analysis plan.
5. Failure to include any information on field and laboratory quality assurance/control procedures in the groundwater sampling and analysis plan.
6. Failure to immediately obtain additional groundwater samples from those downgradient wells where a significant difference was detected, split the sample in two, and expeditiously obtain analyses of all additional samples to determine whether the significant difference was a result of laboratory error. (Acetone detected in fourth quarter 1987 groundwater monitoring data).
7. Failure to maintain containers holding hazardous waste in a closed condition. (The open topped container between the ignitable solvent storage tanks).
8. Failure to maintain containers holding hazardous waste in good condition.
9. Failure to have an unsaturated zone monitoring plan on-site for the land treatment area.
10. Failure to obtain the required notice prior to the first shipment of hazardous waste fuel to a burner or another marketer.
11. Failure to control wind dispersal of waste from landfill cell #3.

[See Stipulation and Consent Order #8812618 issued February 3, 1989.]

December 7, 1987

A Notice of Violation and Order for Compliance (**#8712452**) was issued December 7, 1987. This NOV was based upon inspections on

June 26, 29, 30, and July 1, 1987 by the Utah Bureau of Solid and Hazardous Waste. The following violations were noted:

1. Failure to follow the written waste analysis plan.
2. Failure to file an exception report for a shipment of waste solvents from USPCI to Ekotek

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on manifest #87018.

3. Failure to maintain containers holding hazardous waste in a closed condition.
4. Failure to maintain containers holding hazardous waste in good condition.
5. Failure to have a copy of the unsaturated zone monitoring plan on site for the land treatment area.
6. Failure to control wind dispersal of hazardous waste from landfill cell #2.

[See Stipulation and Consent Order #8812618 issued February 3, 1989.]

July 8, 1987

A Notice of Violation and Order for Compliance (**#8705440**) was issued July 8, 1987. The inspection was conducted on February 12, 1987 with the following violations noted:

1. Failure to follow written waste analysis plan procedures regarding fingerprint result which exceed tolerance ranges.
2. Failure to follow written waste analysis plan procedures by failing to obtain an annual update of the generator's preshipment analysis or a generator certification that a waste stream has not changed.
3. Acceptance of hazardous waste manifests without the EPA hazardous waste number.
4. Acceptance of hazardous waste manifests without the appropriate handling codes.
5. Failure to record the description of the process that produced a characteristic waste in the operating record, for waste shipments.
6. Failure to record applicable EPA hazardous waste number in the operating record for waste shipments.
7. Acceptance of waste not identified in Part A of the permit application.

May 29, 1986

A Stipulation and Consent Order was signed on May 29, 1986 to settle Notice of Violation Numbers **8406189**, **8507205**, and **8508219**.

A settlement in lieu of civil penalties was reached. USPCI agreed to provide labor, materials,

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transportation, analysis, disposal, and other necessary services as part of a community household hazardous waste cleanup project. The project consisted of two Saturdays in Salt Lake County and one Saturday in Tooele County. USPCI agreed to accept waste free of charge on those designated days.

[See Notice of Violation #8508219 issued October 21, 1985; Notice of Violation #8507205 issued August 19, 1985; and Notice of Violation #8406189 issued July 22, 1985.]

[This was the first Stipulation and Consent Order issued by the Utah Bureau of Solid and Hazardous Waste with regards to USPCI Grassy Mountain. Prior to this Consent Order, NOVs were dealt with through meetings, letters, court action, etc.]

October 21, 1985

A Notice of Violation and Compliance Order (**#8509229**) dated October 21, 1985 was based on an inspection of August 30, 1985. The following violations were noted:

1. Operation of a facility for the purpose of treating, storing, or disposing of hazardous waste without interim status or a permit.
2. Failure to comply with applicable provisions of Part VII with respect to the industrial waste cell.

October 21, 1985

A Notice of Violation and Compliance Order (**#8508219**) dated October 21, 1985 was issued based on an inspection conducted August 13, 1985. The following violations were noted:

1. Use of a process not specified in the Part A of the permit application (waste solidification in tanks)
2. Failure to amend Part A to include treatment of bulk liquids by solidification.
3. Failure to submit, within 15 days, a written report of a spill from the waste neutralization system.

[See Stipulation and Consent Order dated May 29, 1986.]

October 2, 1985

A Stipulation and Consent Order (**#8510234**) was issued to resolve NOV **#8401154** issued February 4, 1985. The violations concerned the adequacy of USPCI's groundwater monitoring compliance at the Grassy Mountain facility. USPCI agreed to install a groundwater monitoring system at the Clean Harbors Grassy Mountain, LLC
Grassy Mountain Facility

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Grassy Mountain facility by November 8, 1985 and develop and follow a sampling and analysis plan by November 8, 1985.

[See NOV #8401154 issued February 4, 1985.]

August 19, 1985

A Notice of Violation and Order for Compliance (**#8507205**) was issued August 19, 1985 based on an inspection conducted July 11, 1985. The following violations were noted:

1. Failure to use the Consignment State's manifest for shipments from USPCI Grassy Mountain
2. Failure to record daily inspections of the facility.
3. Failure to record and remedy malfunctions of equipment in the waste neutralization system.
4. Failure to have containers closed.
5. Storage of hazardous waste in an area that does not have interim status or a permit.

[See Stipulation and Consent Order dated May 29, 1986.]

July 22, 1985

A Notice of Violation and Order for Compliance (**#8406189**) was issued July 22, 1985 based on an inspection conducted April 22-25, 1985. The following violations were noted:

1. USPCI was in violation of provision of Part VII (interim status standards)

[See Stipulation and Consent Order dated May 29, 1986.]

February 6, 1985

A Notice of Violation and Order for Compliance (**#8501152**) was issued February 6, 1985 based on an inspection conducted January 3, 1985. The following violations were noted:

1. Failure to have the necessary analysis to calculate heavy metal loading rates prior to land treatment of wastes.
2. Failure to demonstrate that hazardous wastes placed in or on the land treatment facility can be made less hazardous or non-hazardous by biological degradation or by chemical

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reactions (immobilization occurring in or on the soil).

3. Failure to adequately train the personnel operating the neutralization system.
4. Failure to include proper land treatment in the operating record.

[A meeting was held April 10, 1985 concerning this Notice of Violation which resulted in another scheduled inspection which took place April 22-26, 1985. That particular inspection resulted in Notice of Violation #8406189 which was resolved by a Stipulation and Consent Order issued May 29, 1986.]

February 4, 1985

A Notice of Violation and Order for Compliance (**#8401154**) was issued on February 4, 1985 based on an inspection of October 18, 1984 which resulted in the following violations:

1. Failure to install a groundwater monitoring system with at least one monitoring well installed hydraulically upgradient capable of yielding groundwater samples representative of background groundwater quality in the uppermost aquifer.
2. Failure to install a groundwater monitoring system capable of immediately detecting any statistically significant amounts of hazardous waste constituents that may migrate from the waste management area to the uppermost aquifer.
3. Failure to install monitoring wells capable of allowing sample collection at depths where appropriate aquifer flow zones exist.
4. Failure to follow provisions in an acceptable groundwater sampling and analysis plan while obtaining samples from the installed groundwater monitoring system.

[See Stipulation and Consent Order #8510234 dated October 2, 1985.]

December 31, 1984

A civil action for civil penalties and injunctive relief was issued by the Third Judicial District Court in and for Salt Lake County, State of Utah. This action involved NOVs **#8409133** (October 15, 1984), **#8409133** (September 13, 1984), and **#8405102** (June 7, 1984). The following requests were stated:

1. USPCI was enjoined from continuing to operate its Salt Lake facility in violation of the USHW Act and applicable UHWMR.
2. A civil penalty was assessed against USPCI for each violation of the SHW Act and the UHWMR.

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3. UBSHW was awarded costs and disbursements of this action.

4. The Court granted such other and further relief as it may deem just and proper.

Judge Fishler signed an Order for Entry of Judgment on July 14, 1985. USPCI paid the sum of \$2,500 by certified check.

November 14, 1984

A Notice of Violation and Order for Compliance (**#8411137**) was issued November 14, 1984 based on an inspection of November 6, 1984 which resulted in the following violation:

Failure to comply with the provisions of 7.21.7 of the Utah Hazardous Waste Management Regulations by allowing non-containerized or bulk waste containing free liquids to be placed in the landfill cell.

October 15, 1984

A Notice of Violation and Order for Compliance (**#8409133**) was issued October 15, 1984 based on an inspection of October 11, 1984 which resulted in the following violation:

Failure to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water which could threaten human health or the environment by allowing pieces of plastic contaminated with hazardous waste to be spread throughout the land treatment area. Additionally pieces of contaminated plastic were scattered throughout and beyond the boundaries of U.S. Pollution Control, Inc. This is a violation of 7.10.2 UHWMR.

[This NOV was given the same number as the NOV issued September 21, 1984.]

September 21, 1984

A Notice of Violation and Order for Compliance (**#8409133**) was based on an inspection of September 13, 1984 which resulted in the following violation:

Storage of KO51 (primary oil/solids/water separation sludge from the petroleum refining industry) from Phillips Petroleum in waste piles without a plan approval or interim status as required by 3.1 UHWMR and 26-14-8(1) Utah Code Annotated.

June 7, 1984

A Notice of Violation (**#8405102**) was issued June 7, 1984 based upon inspections dated March 22 and 28, 1994; April 3 and 30, 1984; and May 1, 1984. The results of these inspections resulted in the following violations:

1. Storage of K051 (primary oil/solids/water separation sludge from the petroleum refining industry) from Azamara Oil in a portable frac tank which was not permitted or had interim status as required by 3.1 UHWMR and 26-14-8(1) Utah Code Annotated.
2. Failure to manifest shipments of listed hazardous wastes (e.g., spent solvents sent to EKOTEK) as required by 4.2(a) and 5.4(a) UHWMR.
3. Failure to ship hazardous wastes to an approved TSD facility (shipment of spent solvents to EKOTEK) as required by 4.2(j)(3) UHWMR.
4. Failure to obtain proper waste analyses from inter alia, the University of Utah, Kennecott, Litton Industries and Max Factor as required by 7.9.4(a)(2) UHWMR.
5. Failure to perform any analytical testing prior to treating, storing, or disposing of waste from inter alia, the University of Utah, Kennecott, Litton Industries, and Max Factor as required violation of 7.9.4(a)(1) UHWMR.
6. Failure to characterize a shipment of hazardous waste from Hercules - Fareeport Center prior to management as required by 7.9.4(a)(4) UHWMR.
7. Acceptance and management of wastes not specified in the current Part A permit application as required by 3.1 UHWMR and 26-14-8(1) UCA.
8. Exceedence of storage capacity at the drum storage dock specified in Part A of the permit application [3.1 UHWMR and 26-14-8(1) UCA].
9. Failure to segregate incompatible wastes in containers on the drum dock as required by 7.16.7(c) UHWMR.
10. Failure to maintain adequate aisle space on the drum dock as required by 7.10.6 UHWMR.
11. Failure to record in the facility operating record the waste's common name, a description of the process that generated any characteristic waste, and all applicable four digit hazardous waste numbers as required by 7.12.4(b)(1), Appendix D.

12. Failure to completely and accurately fill out manifest numbers 4, 12, 002, 110, 526A, 0525A, 0475A, 0675A, 83-1-032 and 83-1-034 as required by 4.2(j) UHWMR.

13. Failure to develop, install and maintain fire fighting capabilities as required by 7.10.3(c) and (d) UHWMR.

14. Failure to develop a written inspection schedule for the groundwater monitoring wells, unsaturated zone monitoring equipment, sump in drum dock, land treatment area, diesel generator, site equipment, run-on control dikes, eye washers, water pumps, air packs, vapor monitoring equipment, emergency siren, confinement structures, and security gate as required by 7.9.6(b) UHWMR.

15. Failure to inspect areas subject to spills daily when in use as required by 7.9.6(b)UHWMR.\

16. Failure to include a written description of the amount of introductory and continuing for all employees in the personnel training plan as required by 7.9.1.(d)(3) UHWMR.

17. Failure to include a job title, job description, or a description of the amount of training in the personnel training plan for Bob Higgenbotham, as required by 7.9.7(d) UHWMR.

18. Failure to inspect tanks to the degree of thoroughness required by 7.17.5 UHWMR.

APPENDIX

OTHER REGULATORY AGENCIES

1. EPA Region VIII (Denver, Colorado), RCRA: Janice Pearson
303-293-1504
2. EPA Region VIII (Denver, Colorado), TSCA: Francis Tran
303-293-1443
3. DEQ/Division of Air Quality: Russell Roberts, Director
(801)536-4000
4. DEQ/Division of Water Quality: Don Ostler,
Director

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(801)538-6146

5. DEQ/Division of Environmental
Response/Remediation

Kent Gray,
Director
(801)536-4100

6. DEQ/Division of Radiation Control:

William Sinclair,
Director
(801)536-4250

7. DEQ/Division of Drinking Water:

Kevin Brown,
Director
(801)538-6159

July 2, 1992

(801)536-4000

EPA Region VIII issued **Docket No. TSCA-PCB-VIII-92-14** on July 2, 1992 which alleged violations concerning the late Cell X closure, disposal of unflushed PCB transformer, and land disposal of PCB contaminated oils. The contact through EPA for this document is Patricia D. Hull, Director, Air & Toxics Division, EPA, Region VIII (Denver, Colorado).

May 12, 1992

A Notice of Violation (**#91040017**) was issued by the DEQ/Division of Air Quality based on an inspection on March 24, 1992. It was found that emissions of contaminants into the ambient air from the mixing process and operating the mixing process without an approval order had taken place, operations of the silos was not being performed as required in the Approval Order, and improper maintenance which allowed the silos to plug frequently.

A Proposed Settlement Agreement for resolution was sent July 28, 1992 to USPCI for this NOV. It called for a stipulated penalty of \$3,000.

Contact for this NOV is through Burnell Cordner, Director of the Division of Air Quality, (801)536-4000.

February 28, 1992

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A Final Consent Order was issued February 28, 1992 for EPA Region VIII issued a 3008(a) Administrative Order **Docket No. RCRA [3008] VIII-91-14** to USPCI which alleged the following violations:

1. Improper record keeping for disposal of hazardous waste
2. Improper record keeping of hazardous waste analyses prior to disposal of HTOX
3. Improper and/or insufficient analysis of TOX.

USPCI was required to submit a training course outline and conduct a training class for all of Grassy Mountain laboratory personnel, pay \$500,000, follow stated general provisions stated in the Final Consent Order, and comply with requirements of RCRA and its implementing regulations.

Contact person for this document is Robert L. Duprey, Director, Hazardous Waste Management Division, EPA, Region VIII (Denver, Colorado).

December 20, 1988

EPA Region VIII issued a 3008(a) Administrative Order **Docket RCRA [3008] VIII-89-04** to USPCI which alleged that the Grassy Mountain Facility did not provide written notice for hazardous wastes that were shipped to other facilities which were restricted from land disposal (11 counts). On March 30, 1989, USPCI signed a Final Consent Agreement on this matter and paid \$19,000 to the U.S. Treasurer.

Contact person for this document is Robert L. Duprey, Director, Hazardous Waste Management Division, EPA, Region VIII (Denver, Colorado).

September 19, 1985

EPA Region VIII issued an 3008(a) Administrative Order **Docket No. RCRA [3008] VIII-85-09** to USPCI which alleged that the Grassy Mountain Facility did not have an adequate groundwater monitoring system and waste analysis plan. On October 18, 1985 USPCI settled this matter and paid \$20,000 to the U.S. Treasurer.

Contact person for this document is Robert L. Duprey, Director, Hazardous Waste Management Division, EPA, Region VIII (Denver, Colorado).